

Serial No.: 09/807,154
Amendment Dated: October 20, 2003
Reply to Office Action of June 19, 2003

REMARKS/ARGUMENTS

A Request for a One (1) Month Extension of Time Pursuant to 37 CFR §1.136(a) and (b) is attached hereto.

Claims 21-26 are pending in the application. The Examiner has rejected each of Claims 21-26 based on certain prior art and more specifically based on DE 19642099. The Examiner has also objected to the drawings under 37 CFR §1.83(a) and has generally objected to the specification. Applicant respectfully requests reconsideration based on the following.

First and with regard to the prior art rejection, the Examiner has rejected Claims 21-26 based on DE 19642099 under 35 USC §103(a). In order to maintain a *prima facie* obviousness rejection, the cited prior art either singly or in combination must describe or at least suggest the claimed invention.

The Examiner opines that the requisite features of the present invention are present in the cited German reference. Applicant respectfully disagrees. The cited reference fails to teach or disclose outer subframes such as claimed in Claim 21 by Applicant, each subframe having a disposed recess that has disposed therein an inner subframe so as to define a test chamber between upper and lower frames. As clearly shown in Fig. 2, each upper subframe (71, 72) includes a recess (75) that includes an inner subframe (73, 74). Furthermore, each recess is disposed in a region of a corresponding outer subframe facing away from the test chamber (80). In addition and as acknowledged by the Examiner, the instant cited reference fails to disclose an angled steel profile as presently recited in Claim 21.

The Examiner has characterized that the German reference includes a pair of subframes. Applicant respectfully disagrees with this characterization and does not see any relation in which the recesses of upper subframes would somehow dispose a corresponding lower subframe. Applicant would acknowledge that sections 4, 5 represent upper and lower frames, respectively, but nothing further. As shown in Fig. 2, the sections 2, 3 are retained within a cavity between 4 and 5 but not within a recess defining a test chamber, and certainly not within a recess defining an inner

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subframe defined in each of the upper and lower frames such as shown in Fig. 2 of the present invention and recited in pending Claim 21.

It is believed Claims 22-26 are allowable for the same reasons as Claim 21. Reconsideration is respectfully requested.

Turning to the specification and drawing objections noted by the Examiner with regard to Claim 21, Applicant herein notes that the inner and outer subframes are clearly disclosed in Fig. 2. Outer subframe (71, 72) and inner subframe (73, 74) are illustrated therein as well as disclosed in original Claim 3 of the translated specification and the Abstract. Therefore, it is believed no new matter has been introduced and further that no new drawing corrections, no new replacement drawings or specification corrections are deemed necessary.

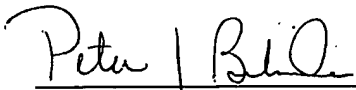
In summary it is believed the above-captioned patent application is in allowable condition and such allowance is earnestly solicited.

If the Examiner wishes to expedite disposition of the above-captioned patent application, he is invited to contact Applicant's representative at the telephone number below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0289.

Respectfully submitted,

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21. (Amended) A frame structure for a leak detector, said frame structure comprising:

an upper frame and a lower frame onto each of which a film is stretched thereupon, each of the upper frame and the lower frame further comprising an outer subframe and an inner subframe each made from a synthetic material between which said films are fastened wherein each outer subframe of said upper and lower frames, respectively, includes a recess having disposed therein a corresponding inner subframe thereby defining a test chamber between said upper and lower frames for an incoming test gas sample entering said defined test chamber and in which said films are at least one of adhered and screw-fastened with the frame portions onto which they are respectively stretched and in which each recess is disposed in a region of a corresponding outer subframe facing away from the test chamber and wherein one of said inner subframes is equipped with a lip seal, said lower frame being positioned onto a margin of a plate-form bottom, said upper frame including a support provided with a steel profile, said steel profile

outer
&
inner

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being angled and at least partially encompassing said upper frame from above and from the outside thereof, said upper frame being fastened on said steel profile so as to float axially relative to said lower frame wherein the steel profile also partially encompasses said lower frame when the defined test chamber is closed, said upper and lower frames each being circularly formed and comprised of polyamide, said upper and lower frames being connected at one end across an articulation.

Angue

C1
End

22. (Amended) A frame structure as claimed in Claim 21, wherein the film of the lower frame is equipped with a central connection port and a line detachably coupled with said connection port.

23. (Amended) A frame structure as claimed in Claim 22, wherein the central connection port is a tube section made from a synthetic material.

24. (Amended) A frame structure as claimed in Claim 23, wherein the detachably coupled line in the region facing the central connection port is a synthetic corrugated tube encompassing said connection port when a connection is made.

25. (Amended) A frame structure as claimed in Claim 24, wherein the synthetic material tube section and/or corrugated tube are comprised of polyamide.

26. (Amended) A frame structure as claimed in Claim 21, wherein the upper and lower frames are under the effect of a spring device whose force acts continuously in the direction of opening of said upper and lower frames.

REMARKS

The above-captioned patent application has been carefully reviewed in light of the Final Office Action to which this Amendment is responsive. Applicant has amended Claims 21-26 in an effort to further clarify and particularly point out that which is regarded as the invention. To that end, no new matter has been added.

Applicant gratefully acknowledges the telephone interview granted by Examiner Andre' Jackson with Applicant's representative, Peter J. Bilinski, on May 19, 2003. The comments that follow include those covered during the interview.